

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1191

T06-0050

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company"), the Troy Grove Township Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the east 050th Road/ TR 14 highway-rail grade crossing of the Company's tracks near Mendota, LaSalle County, Illinois, designated as crossing AAR/DOT #079 648B, railroad milepost 85.52-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system, by the Company.

DOCKETED

- (b) Installation of temporary STOP signs (if required) at the East 050th Road crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	Road District	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$264,388	85% \$224,730 ¹	10% \$26,438	5% \$13,220 ²
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$264,388	\$224,730	\$26,438	\$13,220

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$224,730; any installation costs above the estimated amount of \$264,388 will be divided between the GCPF, the Road District and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP Signs, if ordered.

Section 6 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit C. The Road District shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit D, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit D, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for warning device installation specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission.

The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.


SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission; the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 18th day of April 2006.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Henry Humphries", written over a horizontal line.

Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1191**, executed by Commission Staff April 18, 2006, concerning improvements at the East 050th Road/ TR 14 highway-rail grade crossing of the BNSF Railway Company's tracks, near Mendota, LaSalle County, Illinois, designated as crossing AAR/DOT #079 648B, railroad milepost 85.53-A.

Executed by Troy Grove Township Road District this 9 day of May 2006.

TROY GROVE TOWNSHIP ROAD DISTRICT

By: Walter L. Eich

Attest:

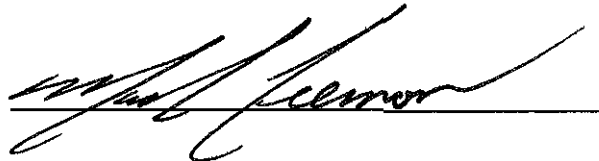
Karen Stremelau

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Executed by the BNSF Railway Company this 16th day of May 2006.

BNSF RAILWAY COMPANY

By:

A handwritten signature in black ink, appearing to read "Michael J. McManis", is written over a horizontal line.

Attest:

A handwritten signature in black ink, appearing to read "Dennis M. Hall", is written over a horizontal line.

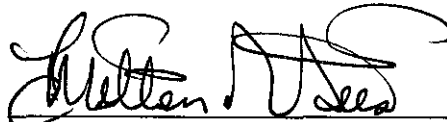
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Executed by the Illinois Department of Transportation this 2nd day of June 2006.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/Chief Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	079 648B,85.53-A
STREET, CITY, COUNTY	E. 050 th (TR-14) Near Mendota, LaSalle County
JURISDICTION (RDWY)	Troy Grove Township
LOCATION	Rural, Commercial/Residential
STREET SURFACE	17' Oil/Chip, Fair Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	FDT	32'	Fair
Main	FDT	32'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Pvt. Drives
TRAFFIC CONTROL	None
ADT & SPEED	100 Vehicles Per Day @ 55 MPH (unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, All possible
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	32 Per day @ 60 MPH, Day & Night? Yes
PASSENGER TRAFFIC	6 per day @ 79 MPH
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	79	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	518	FEET
Along Tracks	863	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,921	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	Ok*		Ok*	#
NW	Ok*		Ok*	#
SE	Ok*		Ok*	#
SW	Ok*		Ok*	#

*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

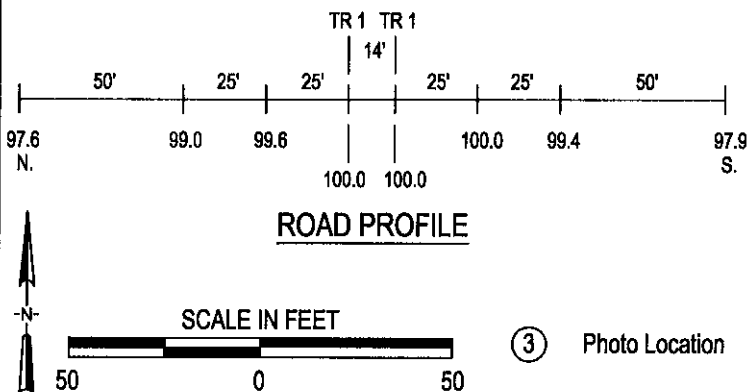
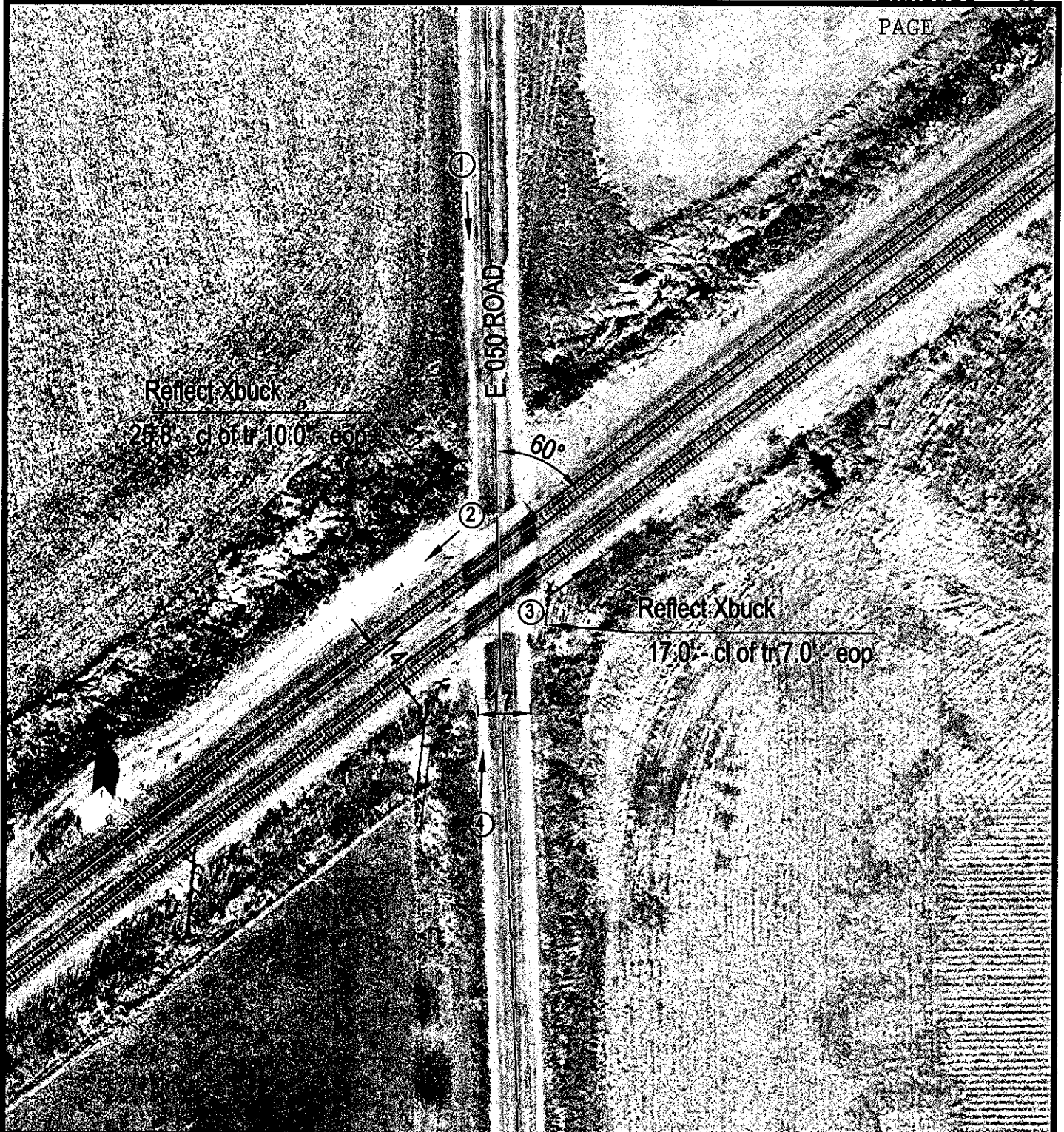
APPROACH GRADES: See Location Sketch

DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)

Distance measured from outermost rail.

COMMENTS: See Page 3 for Location Sketch (Aerial View) of the crossing.

Ok for now; if mature crops (corn) were in the adjacent field sight distance would be restricted.



Crossing #: 079648B

Location: LaSalle Co., City of Mendota (N)

Lat/Long: 41°31'29" / 89°09'23"

Railroad: BNSF

Street: East 050th Road

Railroad Milepost: 85.53

Crossing Protection: Signs

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- MENDOTA DETAILS OF ESTIMATE PLAN ITEM: 000113848 VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT E. 50TH ROAD IN MENDOTA, IL. CHICAGO
DIV., MENDOTA SUBDIV., L/S 0001, M.P. 85.53, DOT # 079648B

MONTHLY POWER UTILITY COST CENTER: 61690

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE
ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE
MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF
RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR
MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 90%. THE BNSF RR IS FUNDING
APPROXIMATELY 10%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,277	
SIGNAL FIELD LABOR - CAP	1064.00	MH	23,217	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,808	
PAYROLL ASSOCIATED COSTS			21,217	
EQUIPMENT EXPENSES			6,584	
DA LABOR OVERHEADS			23,680	
INSURANCE EXPENSES			4,147	
TOTAL LABOR COST			81,930	81,930

MATERIAL				

BATTERY	1.00	EA N	5,932	
BUNGALOW 6X8	1.00	EA N	8,585	
BUNGALOW MATERIAL	1.00	LS N	5,936	
CABLE	1.00	EA N	2,680	
CHARGERS	1.00	LS N	810	
CONSTANT WARNING GCP4000 2TKBI-DI	1.00	EA N	23,500	
FIELD MATERIAL	1.00	LS N	4,044	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,718	
HD LINK	1.00	LS N	11,000	
LED GATE KIT	2.00	EA N	732	
LED LIGHT COST ADJUSTMENT	8.00	EA N	1,792	
LIGHT OUT DETECTOR	1.00	EA N	706	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
RECORDER	1.00	EA N	2,220	
REMOTE BATTERY	1.00	LS N	5,300	
REMOTE CHARGER, 40A	1.00	EA N	470	
REMOTE CONSTANT WARNING GCP4000-UNI	1.00	EA N	18,663	
REMOTE HD LINK	1.00	LS N	11,000	
REMOTE MISC. BUNGALOW MTRL.	1.00	LS N	3,000	
REMOTE MISC. FIELD MTRL.	1.00	LS N	2,500	
REMOTE SHUNT, NBS	2.00	EA N	1,456	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	4.00	EA N	2,116	
STOP SIGN W/POST	2.00	EA N	130	
TRACK FILTER	4.00	EA N	960	
MATERIAL HANDLING			75	
USE TAX			8,670	

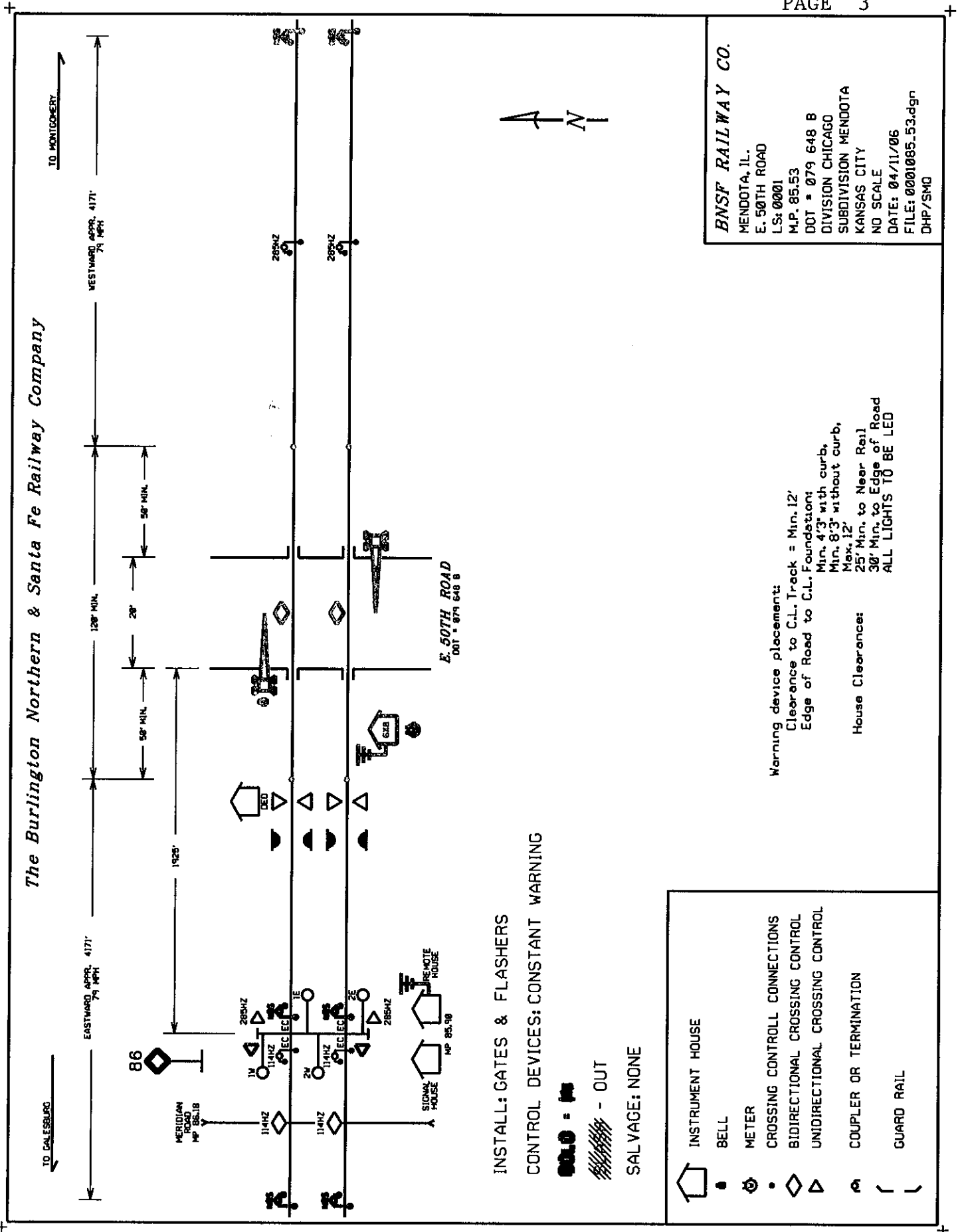
1,652

OFFLINE TRANSPORTATION

*****		TOTAL MATERIAL COST	142,727	142,727
*****		OTHER		

AC POWER SERVICE	1.00 EA		5,000	
CONTRACT ENGR.	1.00 EA N		8,000	
FILL DIRT	20.00 CY N		500	
SURFACE ROCK	40.00 CY N		1,000	
		TOTAL OTHER ITEMS COST	14,500	14,500
		PROJECT SUBTOTAL		239,157
		CONTINGENCIES		23,915
		BILL PREPARATION FEE		1,316
		GROSS PROJECT COST		264,388
		LESS COST PAID BY BNSF		26,440
		TOTAL BILLABLE COST		237,948

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ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date May 9, 2006

Agreement # 1191

The Troy Grove Township
(Board or Council of Township/ Road District)

meeting on May 9, 2006, Resolved to authorize Salma Eick Highway Commission
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and
that the Troy Grove Township is financially willing and able to
(Township/ Road District)

Pay a portion of the cost for the proposed improvements as may be assigned to it
according to Section 5 of this Agreement.

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	079 648B, 85.53-A
Street, (in/near) City, County:	E. 50 th (TR-14), near Mendota, LaSalle County
Railroad Company:	BNSF

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	Mark Leemon
Title:	Public Project Manager
Representing:	BNSF Railway Company
Street Address:	80-44 th Street
City, State, Zip:	Minn., MN 55421
Office Phone:	763-782-3468
Office Fax:	763-782-3061
Cellular Phone:	952-356-5787
E-Mail Address:	Mark.leemon@bnsf.com

²Project Manager Information to be submitted by the BNSF Railway Company

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Install automatic warning device improvements at the 0 50th (TR 14) rail-highway grade crossing of the BNSF Railway Company's tracks near Mendota, LaSalle County, Illinois;
- Install/maintain temporary STOP Signs until the automatic warning devices are installed and operational.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

If you have questions contact:

Henry Humphries, Railroad Safety Specialist
Phone: 217/785-8423
Email: hhumphri@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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